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RCE/1700

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of : Group Art Unit:
 Scott W. Huffer, *et al.* : 1772
 :
 Serial No.: 09/778,334 : Examiner:
 : Sandra M. Nolan
 Filed: February 7, 2001 :
 : Attorney Docket No.:
 For: PACKAGING MATERIAL, METHOD OF MAKING : 9325-36 (148068)
 IT, AND PACKAGE MADE THEREFROM

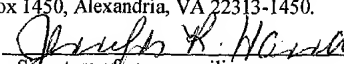
RESUBMISSION OF REQUEST FOR CONTINUED EXAMINATION

Mail Stop RCE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

A Request for Continued Examination (RCE) and an Information Disclosure Statement (IDS) were filed for the above-identified application on May 16, 2003. Based on subsequent telephone conversations with Examiner Nolan, it is believed that the May 16 submission was mishandled by the Patent Office and not matched up with the Patent Office file for this application.

It is requested that this paper be considered a resubmission of the RCE, or alternatively, a new RCE. In either case, this submission is timely filed under 37 CFR § 1.114 after a Notice of Allowance, but before payment of the Issue Fee, which is due August 7, 2003.

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.10	
EXPRESS MAIL Mailing Label Number:	<u>EL 931090283 45</u>
Date of Deposit:	<u>8/5/03</u>
<p>I hereby certify that this correspondence, along with any paper referred to as being attached or enclosed, and/or fee, is being deposited with the United States Postal Service, "EXPRESS MAIL-POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10, on the date indicated above, and addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p>	
 Signature of person mailing page:	
<u>Jennifer R. Hanna</u> Type or print name of person	

Enclosed with this paper are copies of the following documents and things:


the RCE transmittal, originally filed May 16, 2003;
the IDS and Form 1449 (in duplicate), originally filed May 16, 2003;
the references cited, originally filed May 16, 2003;
the check to cover the RCE fee, cancelled by the Patent Office on May 20, 2003;
the return postcard, stamped received by the Patent Office on May 19, 2003; and
a PAIR report with an entry "Workflow - Request for RCE - Begin" on May 19, 2003.

It is requested that the RCE and IDS be entered in the application, and that the references cited on the Form 1449 be considered by the Examiner and accordingly made of record. Because the check to cover the RCE fee has already been deposited by the Patent Office, no fee is believed to be due. However, authorization is provided to charge any fee due in connection with this submission, or credit any over-payment, to deposit account 50-0573.

Respectfully submitted,

SCOTT W. HUFFER, *ET AL.*

BY:


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PTO/SB/30 (8/2000)

Approved for use through 10/31/2002 OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of a utility or plant application
filed on or after June 8, 1995,

See the American Inventors Protection Act of 1999 (AIPA)

Application Number	09/778,334
Filing Date	February 7, 2001
First Named Inventor	Scott W. Huffer
Group Art Unit	1772
Examiner Name	Sandra M. Nolan
Attorney Docket Number	9325-36 (148068)

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This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of an RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE Practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed _____
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

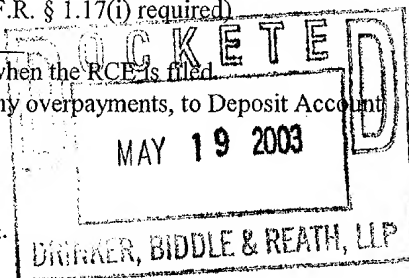
2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0573
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Any additional fee found to be due in connection with this submission.
- b. ☒ Check in the amount of \$ 750.00 is enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)



SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Thomas J. Durling	Registration No. (Attorney/Agent)	31,349
Signature		Date	5/16/03

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name (Print/Type)	Margaret Taconelli	Date	5-16-03
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450